

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2489**

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**Introduced by Assembly Member Leno**  
***(Principal coauthor: Assembly Member Cohn)***

February 23, 2006

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An act to amend Sections 42921 and 69435 of, to add Section 90001.5 to, and to add Chapter 3.5 (commencing with Section 89348) to Part 55 of, and to add Article 6.5 (commencing with Section 92660) to Chapter 6 of Part 57 of ~~Division 9~~ of, the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as amended, Leno. Foster youth: educational and support services: Foster Youth Higher Education Preparation and Support Act of 2006: California Guardian Scholars Program.

(1) Under existing law, 6 unified school districts and consortia operating children services program sites that provide instruction, counseling, tutoring, and related services for foster children receive an allowance from the State School Fund. Existing law also authorizes other school districts to provide educational services for foster children who reside in a regularly established licensed or approved foster home, located within the boundaries of a program site, pursuant to a commitment by a juvenile court. Existing law provides for funding for those other school districts for the provision of those services in any fiscal year, upon appropriation from the General Fund,

or, if sufficient funds are available, from the Foster Children and Parent Training Fund.

This bill, which would be known as the Foster Youth Higher Education Preparation and Support Act of 2006, would make statements of legislative intent relating to the establishment and provision of funding for a matching program for federal Chafee Higher Education Grants for foster youth.

With respect to educational and support services for foster youth, this bill would provide that, in addition to the 6 specified program sites, any other county office of education, consortium of school districts in cooperation with the county office of education, or consortium of county offices of education, may elect to apply to the Superintendent of Public Instruction for grant funding, to the extent funds are available, to operate an education-based foster youth services program to provide educational and support services for foster children.

The bill would require, if sufficient funds are available, these programs to have at least one educational services advocate, and would authorize foster youth services programs that have a foster youth services coordinator to designate that individual as the educational services advocate. The bill would specify the duties to be performed by these advocates. It would set priorities for the services to be delivered by these programs.

(2) The Ortiz-Pacheco-Poohigian-Vasconcellos Cal Grant Act establishes the Cal Grant A and B entitlement awards and the California Community College Transfer Entitlement awards, under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. An existing provision of the act prohibits more than 2% of new Cal Grant B award recipients enrolling for the first time in an institution of postsecondary education from being eligible for payments for tuition or fees, or both, in their first academic year of attendance.

This bill would, notwithstanding this 2% limitation, authorize new Cal Grant B award recipients who are current or former foster youth enrolling for the first time in an institution of postsecondary education to be eligible for payments of tuition and fees, or both, in their first academic year of attendance.

(3) Existing law establishes the California State University, under the administration of the Trustees of the California State University;

the University of California, under the administration of the Regents of the University of California; and the California Community Colleges under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. Existing provisions of the California Constitution establish the office of Superintendent of Public Instruction, and existing statutes provide that the superintendent is the ex officio Director of the State Department of Education.

This bill would establish the California Guardian Scholars Program for the purpose of providing comprehensive support on college and university campuses to students who are former foster youth. The bill would provide that the program would be jointly administered by the trustees, regents, board of governors, and superintendent. The bill would authorize public postsecondary institutions to submit applications to the administrator of the program for competitive grants to fund projects intended to improve foster youth performance and graduation rates in postsecondary education. The bill would set forth criteria to be considered in recommending projects for funding under the program. The bill would require the trustees, regents, board of governors, and superintendent to adopt rules and regulations necessary for the effective implementation of the program.

(4) Existing law imposes certain requirements on the California State University with respect to student housing.

This bill would require a state university that maintains student housing facilities open for occupation on a year-round basis to give priority to current and former foster youth, as specified. The bill would apply a similar provision to the University of California only to the extent that the Regents of the University of California act, by resolution, to make it applicable.

(5) Existing law establishes the *State* Department of Social Services in the Health and Human Services Agency.

This bill would require the department to annually notify in writing all foster youth aged 13 and older of the educational support available to them pursuant to this bill.

*The bill would express legislative intent that new and renewal payments be made to eligible foster youth in the California Higher Education Chafee Grants program on or before October 15, 2006. The bill would require that, if payments are not made by that date, the Student Aid Commission and the department shall report to the Legislature and the Governor by March 1, 2007, on the reasons for*

*the failure to make timely payments. The bill would require the commission and the department to include in that report a description of the corrective actions being undertaken to prevent further delays in future years.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited as the  
2 “Foster Youth Higher Education Preparation and Support Act of  
3 2006.”

4 SEC. 2. (a) The Legislature finds and declares all of the  
5 following:

6 (1) California’s foster youth face enormous and unique  
7 challenges in their transition to adulthood and self-sufficiency.

8 (2) In many cases, foster youth do not have the support and  
9 assistance enjoyed by other students as they make decisions  
10 related to postsecondary education and undertake the many  
11 processes associated with admission and attendance.

12 (3) The state provides a guarantee of student financial  
13 assistance to meritorious, needy students through its Cal Grant  
14 entitlement awards, including the Cal Grant A Entitlement  
15 Awards, the Cal Grant B Entitlement Awards, and the California  
16 Community College Transfer Entitlement Awards. These  
17 programs are limited by strict deadlines, and provide a limited  
18 window of opportunity for application. Foster youth are fully  
19 eligible for these programs and are encouraged to apply.

20 (4) Foster youth may be less aware of deadlines and face other  
21 barriers or circumstances that may limit or otherwise affect their  
22 ability to apply for assistance or enter postsecondary education in  
23 the manner required by these programs.

24 (5) It is the intent of the Legislature to remove these barriers  
25 so that current and former meritorious foster youth may  
26 participate more fully in the Cal Grant entitlement programs.

27 (6) It is in the best interests of the state and its foster youth to  
28 provide the service and financial support necessary to help these  
29 youth achieve their goals.

30 (7) Although California provides public postsecondary  
31 education at a lower price than is charged for comparable

1 education in other states, foster youth still face barriers in  
2 accessing higher education, including insufficient support in  
3 preparing for college, gaps in the student financial aid funds  
4 targeted to pay tuition and fees, lack of financial support for  
5 other costs of attendance in college, and problems with  
6 residential stability during college enrollment.

7 (8) The federal Chafee Higher Education Grant Program is a  
8 welcome addition to the partnership of student aid funding  
9 targeted to assist foster youth with vocational and academic  
10 college and university costs, but funding in this program is  
11 insufficient to meet calculated need, and there were unacceptable  
12 and damaging delays in making payments to eligible foster youth  
13 in the 2005–06 fiscal year.

14 (b) Thus, it is the intent of the Legislature to accomplish all of  
15 the following:

16 (1) To create additional opportunities for local  
17 education-based foster youth services programs.

18 (2) To close gaps in the mixture of California student aid  
19 programs to ensure that foster youth receive sufficient financial  
20 aid to pay their systemwide and campus fees at California public  
21 colleges and universities.

22 (3) To provide additional matching funds for the federal  
23 Chafee Higher Education Grant Program through the State  
24 Budget process to fulfill the commitment to support the cost of  
25 attendance for foster youth.

26 (4) To ensure timely payments of Chafee higher education  
27 grants to foster youths and to thus increase foster youths' chances  
28 at success in higher education by accomplishing both of the  
29 following:

30 (A) Providing funding for the Chafee Higher Education Grant  
31 Program in anticipation of federal funding to be received after  
32 adoption of the federal budget in October 2006.

33 (B) Encouraging the Department of Social Services and the  
34 California Student Aid Commission to review their joint and  
35 separate responsibilities regarding this program, and to make all  
36 necessary improvements to ensure that the unacceptable delays in  
37 the 2005–06 fiscal year are not repeated.

38 SEC. 3. Section 42921 of the Education Code is amended to  
39 read:

1 42921. (a) In addition to the six program sites specified in  
2 Section 42920, any other county office of education, consortium  
3 of school districts in cooperation with the county office of  
4 education, or consortium of county offices of education may  
5 elect to apply to the Superintendent of Public Instruction for  
6 grant funding, to the extent funds are available, to operate an  
7 education-based foster youth services program to provide  
8 educational and support services for children who reside in a  
9 regularly established licensed or approved foster home located  
10 within the boundaries of the program site. The provision of  
11 educational and support services to foster youth in licensed or  
12 approved foster homes shall also apply to foster youth services  
13 programs in operation as of January 1, 2007, and receiving grant  
14 funding.

15 (b) Each foster youth services program operated pursuant to  
16 this chapter shall, if sufficient funds are available, have at least  
17 one person identified as the foster youth educational services  
18 advocate. Foster youth services programs that have a foster youth  
19 services coordinator may designate that individual as the  
20 educational services advocate. The foster youth educational  
21 services advocate shall facilitate the provision of educational  
22 services pursuant to subdivision (d) to any foster child in the  
23 county who is either under the jurisdiction of the juvenile court  
24 pursuant to Section 300 of the Welfare and Institutions Code or  
25 under the jurisdiction of the juvenile court pursuant to Section  
26 601 or 602 of the Welfare and Institutions Code who is placed in  
27 a group home, to the extent that funding is made available for the  
28 provision of these services. A program operated pursuant to this  
29 chapter may prescribe the methodology for determining which  
30 children may be served. Applicable methodologies may include,  
31 but are not limited to, serving specific age groups, serving  
32 children in specific geographic areas of the county or counties in  
33 which the program operates, or serving the children with the  
34 greatest academic need. It is the intent of the Legislature that  
35 children with the greatest need for services be identified as the  
36 first priority for foster youth services.

37 (c) The responsibilities of the foster youth educational services  
38 advocate shall include, but shall not be limited to:

39 (1) Working with the child welfare agency to minimize  
40 changes in school placement.

1 (2) Facilitating the prompt transfer of educational records,  
2 including the health and education passport, between educational  
3 institutions when placement changes are necessary.

4 (3) Providing information to the child welfare agency to assist  
5 the child welfare agency to deliver services to foster children,  
6 including, but not limited to, information required for inclusion  
7 in court reports by Section 16010 of the Welfare and Institutions  
8 Code.

9 (4) Responding to requests from the juvenile court for  
10 information and working with the court to ensure the delivery or  
11 coordination of necessary educational services.

12 (5) Working to obtain and identify, and link children to,  
13 mentoring, tutoring, transitional services, vocational training,  
14 emancipation services, and other services designed to enhance  
15 the educational prospects of foster children.

16 (6) Facilitating communication between the foster care  
17 provider, the teacher, and any other school staff or education  
18 service providers for the child.

19 (7) Sharing information with the foster care provider regarding  
20 available training programs that address education issues for  
21 children in foster care.

22 (8) Referring caregivers of foster youth who have special  
23 education needs to special education advocates who are  
24 knowledgeable about special education procedural safeguards,  
25 regulations, and legal mandates.

26 (d) Each foster youth services program operated pursuant to  
27 this chapter shall include guiding principles that establish a  
28 hierarchy of services, in accordance with the following order:

29 (1) Provide, or arrange for the referral to, tutoring services for  
30 foster youth.

31 (2) Provide, or arrange for the referral to, services that meet  
32 local needs identified through collaborative relationships and  
33 local advisory groups, which may include, but shall not be  
34 limited to, all of the following:

35 (A) Mentoring.

36 (B) Counseling.

37 (C) Transitioning services.

38 (D) Emancipation services.

39 (3) Facilitation of timely individualized education programs  
40 and all special education services.

(4) Establishing collaborative relationships and local advisory groups.

(5) Establishing a mechanism for the efficient and expeditious transfer of health and education records and the health and education passport.(e) For purposes of this section, “licensed or approved foster home” means a licensed or approved relative (kin) foster home, licensed foster family home, certified foster family agency home, court-specified home, or licensed care institution (group home).

SEC. 4. Section 69435 of the Education Code is amended to read:

69435. (a) (1) Commencing with the 2001–02 academic year, and each academic year thereafter, a Cal Grant B award shall be used only for tuition, student fees, and access costs in a for-credit instructional program that is not less than one academic year in length.

(2) The commission shall award access grants in a student’s first academic year. In subsequent years, the award shall include an additional amount to pay tuition or fees, or both, to attend college at a public or private four-year college or university or other qualifying institution for all Cal Grant B awards pursuant to paragraph (2) of subdivision (b) of Section 66021.2. In no event shall the total award in any year exceed the applicant’s calculated financial need.

(3) Two percent of new Cal Grant B recipients enrolling for the first time in an institution of postsecondary education shall be eligible for payments for tuition or fees, or both, in their first academic year of attendance. The commission shall adopt regulations specifying the criteria used to determine which applicants, if any, receive both tuition and fees plus the access grant in the first year of enrollment. Priority shall be given to students with the lowest expected family contribution pursuant to Section 69432.7 and the highest level of academic merit.

(4) Notwithstanding paragraph (3), new Cal Grant B recipients who are current or former foster youth enrolling for the first time in an institution of postsecondary education shall be eligible for payments of tuition and fees, or both, in their first academic year of attendance.

(b) An award for access costs under this article shall be in an annual amount not to exceed one thousand five hundred fifty-one



1 dollars (\$1,551). This amount may be adjusted in the annual  
2 Budget Act.

3 SEC. 5. Chapter 3.5 (commencing with Section 89348) is  
4 added to Part 55 of the Education Code, to read:

5  
6 CHAPTER 3.5. CALIFORNIA GUARDIAN SCHOLARS PROGRAM  
7

8 89348. The California Guardian Scholars Program is hereby  
9 established. The program shall be jointly administered by the  
10 Trustees of the California State University, the Regents of the  
11 University of California, the Board of Governors of the  
12 California Community Colleges, and the Superintendent of  
13 Public Instruction. The purpose of the program shall be to  
14 provide comprehensive support on college and university  
15 campuses to students who are former foster youth with the  
16 objective of meeting the unique needs of former foster youth and  
17 supporting their rates of matriculation, graduation, academic  
18 success, and transfer to four-year higher education institutions.  
19 Campus projects funded under this chapter shall contain core  
20 support elements, as specified. Campuses receiving grants under  
21 this chapter shall receive a grant annually for five years, to be  
22 utilized for the costs of years 1 to 3, inclusive, and \$40,000 in  
23 years 4 and 5. The State Department of Education shall also  
24 receive grant funding for the purpose of contracting with  
25 community-based organizations to provide technical assistance to  
26 campus programs receiving grants under this section.

27 89348.1. The administrator of the California Guardian  
28 Scholars Program shall establish an advisory committee to assist  
29 in selecting proposals to be funded and developing criteria for  
30 project evaluation. The committee shall include, but shall not  
31 necessarily be limited to, all of the following members:

32 (a) Two representatives of the California Community  
33 Colleges, appointed by the Board of Governors of the California  
34 Community Colleges.

35 (b) Two representatives of the California State University,  
36 appointed by the Chancellor of the California State University.

37 (c) Two representatives of the University of California,  
38 appointed by the President of the University of California.

39 (d) One representative appointed by the Director of the  
40 California Postsecondary Education Commission.

1 (e) One representative of the Foster Youth Services Program  
2 of the State Department of Education.

3 (f) Three representatives that are current or former foster  
4 youth.

5 (g) Two representatives of the *State* Department of Social  
6 Services, appointed by the Director of Social Services.

7 89348.2. The advisory committee established under Section  
8 89348.1 shall make recommendations regarding all of the  
9 following:

10 (a) Development of criteria for awarding grants pursuant to  
11 Section 89348.3.

12 (b) Development of criteria for determining the priority  
13 ranking of schools selected to receive assistance under the  
14 California Guardian Scholars Program.

15 (c) Development of criteria for identifying effective projects.

16 (d) Development of criteria for awarding grants to  
17 community-based programs to provide technical assistance to  
18 campus projects.

19 (e) Development of options identifying additional resources  
20 and programs that promote the program.

21 89348.3. A public postsecondary educational institution may  
22 submit an application to the administrator of the California  
23 Guardian Scholars Program for a competitive grant to fund a  
24 project intended to improve former foster youth performance and  
25 graduation rates in postsecondary education. In addition to its  
26 own criteria for the recommendation of programs for funding, the  
27 advisory committee established under Section 89348.1 shall give  
28 consideration to the following elements in a campus plan:

29 (a) Dedicated campus support staff, including a caring staff  
30 person whose primary responsibility is the Guardian Scholars  
31 Program and affiliated students.

32 (b) One-stop shopping: A program structure offering Guardian  
33 Scholars students access to all campus supports through one  
34 person at one site.

35 (c) Housing: Priority for campus housing, and availability of  
36 year-round housing and board. Partnerships with off-campus  
37 resources.

38 (d) Full financial aid package: A grant and scholarship  
39 package covering tuition and living expenses.

1 (e) Academic guidance counseling: Regular contact with a  
2 consistent counselor to develop and monitor an education plan  
3 and provide access to needed academic support. Ability to  
4 identify students at risk of failing or dropping out through  
5 attendance records and progress reports.

6 (f) Planned transition to college: Ability to bring students on  
7 campus immediately after emancipation and to assist with the  
8 transition to college from foster care.

9 (g) Personal guidance and counseling: On-campus mental  
10 health services or off-campus partnerships, including crisis  
11 response.

12 (h) Career counseling and services: Job placement,  
13 job-shadowing, and advising.

14 (i) Supplemental supports: Provision of support services such  
15 as child care, transportation assistance and book and school  
16 supply vouchers.

17 (j) Social activities: Regular opportunities for Guardian  
18 Scholar students to develop, advise, give feedback on and  
19 support the program.

20 (k) Student leadership: Opportunities for Guardian Scholar  
21 students to develop, advise, give feedback on and support the  
22 program.

23 (l) Partnerships: Plans for partnership with community-based  
24 organizations and feeder schools, connections with social  
25 services agencies, independent living programs, and foster youth  
26 services programs.

27 (m) Data collection on former foster youth student persistence,  
28 retention, and graduation rates.

29 (n) Internal and external campus support: Commitment of  
30 campus leadership, donors, and alumni to support, invest in, and  
31 create sustainability for the program.

32 89348.4. Upon receipt of an application submitted pursuant to  
33 Section 89348.3, the administrator of the California Guardian  
34 Scholars Program may award a 50 percent matching grant to the  
35 applicant for purposes of funding the proposed project. Each  
36 project that receives a grant pursuant to this section shall provide  
37 matching funds from existing funds received from a federal,  
38 state, local, or private source or a budget increase in those funds,  
39 with preference given to projects that have the strongest  
40 demonstrated institutional commitment.

1 89348.5. The Trustees of the California State University, the  
2 Regents of the University of California, the Board of Governors  
3 of the California Community Colleges, and the Superintendent of  
4 Public Instruction shall adopt rules and regulations necessary for  
5 the effective implementation of this chapter.

6 89348.6. It is the intent of the Legislature that all current and  
7 former foster youth who are current residents of California shall  
8 have their systemwide and campus fees covered by grant funds in  
9 their packages of student financial aid. To the extent that a  
10 student does not receive a Cal Grant award sufficient to cover  
11 those fees, the California State University shall provide  
12 California State University grant funds to cover all of those fees.

13 89348.7. The California State University shall annually  
14 provide appropriate information to the Department of Finance  
15 and the Legislative Analyst's Office to ensure that its budget is  
16 augmented to provide necessary funding for the State University  
17 Grant Program.

18 SEC. 6. Section 90001.5 is added to the Education Code, to  
19 read:

20 90001.5. In order to ensure that current and former foster  
21 youth who are students at campuses of the California State  
22 University have stable housing, a campus of the California State  
23 University that maintains student housing facilities shall give  
24 priority to current and former foster youth. In addition, a campus  
25 of the California State University that maintains student housing  
26 facilities open for occupation during school breaks, or on a  
27 year-round basis, shall first give priority to current or former  
28 foster youth for residence in the housing facilities that are open  
29 for uninterrupted year-round occupation, and next give priority to  
30 current or former foster youth for housing that is open for  
31 occupation during the most days in the calendar year.

32 SEC. 7. Article 6.5 (commencing with Section 92660) is  
33 added to Chapter 6 of Part 57 of ~~Division 9~~ of the Education  
34 Code, to read:

35  
36 Article 6.5. Housing  
37

38 92660. (a) In order to ensure that current and former foster  
39 youth who are students at campuses of the University of  
40 California have stable housing, a campus of the University of

1 California that maintains student housing facilities shall give  
2 priority to current and former foster youth. In addition, a campus  
3 of the University of California that maintains student housing  
4 facilities open for occupation during school breaks, or on a  
5 year-round basis, shall first give priority to current or former  
6 foster youth for residence in the housing facilities that are open  
7 for uninterrupted year-round occupation, and next give priority to  
8 current or former foster youth for housing that is open for  
9 occupation during the most days in the calendar year.

10 (b) Subdivision (a) shall not apply to the University of  
11 California except to the extent that the Regents of the University  
12 of California, by appropriate resolution, make that provision  
13 applicable.

14 92660.1. It is the intent of the Legislature that all current and  
15 former foster youth who are current residents of California shall  
16 have their systemwide and campus fees covered by grant funds in  
17 their packages of student financial aid. To the extent that a  
18 student does not receive a Cal Grant award sufficient to cover  
19 those fees, the University of California is requested to provide  
20 University of California grant funds to cover all of those fees.

21 92660.2. The University of California is requested annually to  
22 provide appropriate information to the Department of Finance  
23 and the Legislative Analyst's Office to ensure that its budget is  
24 augmented to provide necessary funding in the University Grant  
25 Program to serve foster youth in this manner.

26 SEC. 8. The Department of Social Services shall annually  
27 notify in writing all foster youth aged 13 and older of the  
28 educational support available to them pursuant to this act.

29 *SEC. 9. It is the intent of the Legislature that new and*  
30 *renewal payments shall be made to eligible foster youth in the*  
31 *California Higher Education Chafee Grants program on or*  
32 *before October 15, 2006. If payments are not made by that date,*  
33 *the Student Aid Commission and the State Department of Social*  
34 *Services shall report to the Legislature and the Governor by*  
35 *March 1, 2007, on the reasons for the failure to make timely*  
36 *payments. The commission and the department shall include in*  
37 *that report a description of the corrective actions being*  
38 *undertaken to prevent further delays in future years.*